

**LAND SURVEYOR SECTION
MEETING MINUTES
AUGUST 24, 2011**

PRESENT: James Rusch, Matthew J. Janiak, and Daniel Fedderly

NOT PRESENT: Ruth G. Johnson

STAFF PRESENT: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant and other Department staff

GUESTS: Lisa Van Horn and Francis Thousand, Wisconsin Society of Land Surveyors (WSLS)

CALL TO ORDER

Jim Rusch, Chair, called the meeting to order 9:36 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Additions

- Open Session
 - D(1) 2012 Elections
 - H(1)(c) Request for review of UW-Stevens Point/Nicolet College Certificate in Land Surveying
- Closed Session
 - (P)(2)(a) Petition for Rehearing – Bradley Hargett

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES FROM MARCH 2, 2011

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to approve March 2, 2011, Minutes as published. Motion carried.

**ADMINISTRATIVE REPORT
DENISE AVILES, BUREAU DIRECTOR**

Denise Aviles updated the Section on the merger with portions of Commerce and the resulting department name change to Department of Safety and Professional Services. She also informed the Section of the revised travel policy. She also told the Section that she is working to revive the Regulatory Digest for the A-E Joint Board.

Elections

NOMINATION: James Rusch nominated Matthew Janiak as Chairperson for 2012. The chair called for additional nominations three times.

MOTION: Daniel Fedderly moved, seconded by James Rusch, to close nominations and cast a unanimous ballot for Matthew Janiak for chairperson for 2012. Motion carried.

NOMINATION: Daniel Fedderly nominated James Rusch as Vice-Chairperson for 2012. The chair called for additional nominations three times.

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to close nominations and cast a unanimous ballot for James Rusch for vice-chairperson for 2012. Motion carried.

NOMINATION: Matthew Janiak nominated Daniel Fedderly as Secretary for 2012. The chair called for additional nominations three times.

MOTION: Matthew Janiak moved, seconded by James Rusch, to close nominations and cast a unanimous ballot for Daniel Fedderly for Secretary for 2012. Motion carried.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER AGENDA SUBMISSION DEADLINE

No presentations were requested.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Discuss Potential Rule Change - A-E 7

The Section reviewed the changes to A-E 7 recommended by Matthew Janiak. Yolanda McGowan suggested that the Section go through A-E 7 and outline issues and bring them to the next meeting and go through A-E 7. The Section will discuss their recommended changes at the next meeting.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a scope statement be prepared relative to modification of A-E 7. Motion failed.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a scope statement be prepared relative to modification of the rules relating to Land Surveying as set forth in A-E 7, 8 and 10. Motion carried unanimously.

Discussion re: A-E 8.03(4) relating to work performed by an employee of a licensee

The Section discussed signatures of the "person in control" for purpose of the "plan".

Discuss Possible Repeal of "Experience Only" pathway to licensure

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to direct that a letter be sent on behalf of the Section requesting assistance from the WSLs and exploring the possibility of removing the experience only pathway to licensure for land surveyors. Motion Carried unanimously.

PRACTICE QUESTIONS/ISSUES

Licensee's Request for Lifetime Registration

This item will be addressed in closed session.

Discuss whether hydrographic or bathymetric mapping is considered "land surveying" under the law

The Section discussed and it was determined that the purpose of the act and the result determines whether it is land surveying. If the act/result involves borders, it is considered "land surveying."

OTHER ITEMS

CE Liaison Report

Matthew Janiak noted that he took no action therefore there is no report.

Update related to Jurisdictional Exam

Aaron Knautz reported that he has not started this project but he will be meeting on this topic in September and will be ready to go by January 2012.

Request for review of UW-Stevens Point/Nicolet College Certificate in Land Surveying

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to respond to Devon Vanden Heuvel that in concept the Section likes the idea submitted and to request that additional information and logistics be provided by Devon Vanden Heuvel at the next Section meeting. Motion carried unanimously.

INFORMATIONAL ITEMS

Letter in Support of Greater Madison Convention and Visitors Bureau's proposal to host the 2016 NCEES Annual Meeting in Madison, WI

Denise Aviles noted that the Department supports the proposal. She told the Section that it is likely that the Engineer Section and the Land Surveyor Section will be asked to actively participate in the planning process and Annual Meeting.

NEW BUSINESS

Discussion Regarding the Possibility of Nominating an Emeritus Member of NCEES

This item was tabled until the Section has an opportunity to determine eligible colleagues that may be interested in this position. Members were asked to bring names of nominees to the next Section meeting.

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats.) Motion carried by roll call vote: James Rusch-yes; Daniel Fedderly-yes; and Matthew Janiak-yes.

Open Session recessed at 12:02 p.m.

RECONVENE TO OPEN SESSION

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to reconvene into Open Session at 3:33 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

PROPOSED STIPULATIONS

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 LSR 008 – Jason J. Poupore. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 09 LSR 008 – James D. Ritchie. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to issue the Administrative Warning in the matters of 10 LSR 004 as to N.F.S. and W.G.H. Motion carried unanimously.

CASE CLOSINGS

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to close cases 09 LSR 001, 10 LSR 004 and 10 LSR 005 according to recommendations by the Division of Enforcement. Motion carried unanimously.

MONITORING

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to suspend license of Luther Hoffmann indefinitely. Motion carried unanimously.

The Board took no action related to Christopher Kunkel.

REQUEST FOR REHEARING

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to deny Bradley D. Hargett a re-hearing. Motion carried unanimously.

APPLICATIONS

APPLICATIONS REVIEWED ON AUGUST 24, 2011

The Section took the following action on applications:

FOR REGISTRATION AS A LAND SURVEYOR

1. By Written Exam

1. Granted –

- | | |
|----------------------|-----------------------|
| 1. Brandt, Jeffrey J | 5. Mckuen, Patrick A |
| 2. Collins, Troy | 6. Rutzen, Timothy |
| 3. Dumke, Ted | 7. Schinke, Michael T |
| 4. Feldbinder, Joerg | |

2. Intent to Deny

1. Rogahn, Michael

3. Denied

1. Bello, Spiro

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to act on the 9 applications reviewed at today's meeting as noted and signed in the application file. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Fedderly moved, seconded by Matthew Janiak, to adjourn the meeting at 3:36 p.m. Motion carried unanimously.